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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,022	04/03/2001	Toshihiko Suzuki	1232-4700	3854
27123	7590	12/14/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			JELINEK, BRIAN J	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,022

Applicant(s)

SUZUKI, TOSHIHIKO

Examiner

Brian Jelinek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

This is a first office action in response to application no. 09/825,022 filed on 4/3/2001 in which claims 1-16 are presented for examination.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 4-5, 9, 12-13, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (U.S. Pat. No. 6,222,538).

Regarding claim 1, Anderson teaches an image pickup apparatus (Fig. 2) comprising: setting means for setting a plurality of chapters (Fig. 10, element 618; col. 11, lines 19-34); and

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control means (Fig. 10, element 600) for controlling photography operation in an order of the set chapters on the basis of settings of the plurality of chapters by said setting means, wherein said setting means sets, for each of the plurality of chapters, a photography time (col. 1, lines 37-42; col. 7, lines 43-46, where the time of capture is the duration of a time-lapse series of images) and a mode (col. 12, lines 1-8) for executing desired photography during the photography time.

Regarding claim 4, Anderson teaches designating means (Fig. 5, element 418) for designating recording of a photographed image, wherein said control means starts the photography operation of a new chapter every time recording of the photographed image is designated by said designating means (col. 11, lines 46-54).

Regarding claim 5, Anderson teaches the setting means comprises a script capable of setting a mode for performing desired exposure control for each chapter (col. 12, lines 1-8).

Regarding claim 9, Anderson teaches an image pickup method comprising the steps of: setting a photography time (col. 1, lines 37-42; col. 7, lines 43-46, where the time of capture is the duration of a time-lapse series of images) and a mode (col. 12, lines 1-8) for executing desired photography during the photography time for each of a plurality of chapters; and controlling photography operation in an order of the set chapters on the basis of settings of the plurality of chapters (Fig. 10, element 600).

Regarding claim 12, Anderson teaches the photography operation of a new chapter is started every time recording of a photographed image is designated (col. 11, lines 46-54).

Regarding claim 13, Anderson teaches an operation processing program for an image pickup apparatus, comprising operation processing steps of: setting a photography time (col. 1, lines 37-42; col. 7, lines 43-46, where the time of capture is the duration of a time-lapse series of

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images) and a mode (col. 12, lines 1-8) for executing desired photography during the photography time for each of a plurality of chapters; and controlling photography operation in an order of the set chapters on the basis of settings of the plurality of chapters (Fig. 10, element 600; Fig. 10, element 618; col. 11, lines 19-34).

Regarding claim 16, Anderson teaches the photography operation of a new chapter is started every time recording of a photographed image is designated (col. 11, lines 46-54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 10-11, and 14-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat. No. 6,222,538) in view of Kodama (U.S. Pat. No. 5,905,528).

Regarding claim 2, Anderson teaches a still capture mode, a burst capture mode in which a series of still images are captured in rapid succession, and a time-lapse mode where images are captured at regular intervals over a period of time period (col. 1, lines 37-42). Clearly a user would wish to set in the script the duration of photographing for a time-lapse capture in order to provide a film of the desired length. However, Anderson does not teach the photography time of a given chapter is prolonged, the control means corrects the photography times set by the setting

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means for the chapters to be photographed after the given chapter, thereby controlling the photography operation.

However, Kodama teaches calculating the remaining capacity for still and moving images of a recording medium (col. 7, lines 14-20). One of ordinary skill in the art would have calculated the remaining capacity for a recording medium in order to display to the user the number of still pictures taken, the time taken to shoot the moving picture, the number of remaining frames for still pictures, and the remaining moving-picture recordable time (col. 7, lines 14-20). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have calculated the remaining capacity for a recording medium in order to display to the user the number of still pictures taken, the time taken to shoot the moving picture, the number of remaining frames for still pictures, and the remaining moving-picture recordable time.

Clearly, an image capture script may specify a first and second time-lapse image capture utilizing the full capacity of the recording medium. Furthermore, it is clear that if the photographing time of the first time-lapse image capture is prolonged, the remaining capacity of the recording medium, as determined by Kodama, may be insufficient for the second time-lapse image capture specified by the script. Consequently, it is implicit that the photographing time of the second time-lapse image capture is corrected to a shorter period of time in order to complete at least a portion of the second time-lapse image capture. One of ordinary skill in the art would have known that when the photography time of a given chapter is prolonged, and the calculated capacity remaining in the recording medium is insufficient for a subsequent photographing time specified in an image capture script, the control means corrects and shortens the photography

time set by the setting means for the chapters to be photographed after the given chapter, thereby controlling the photography operation in order to complete at least a portion of the subsequent image capture. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention when the photography time of a given chapter is prolonged, and the calculated capacity remaining in the recording medium is insufficient for a subsequent photographing time specified in an image capture script, the control means corrects and shortens the photography time set by the setting means for the chapters to be photographed after the given chapter, thereby controlling the photography operation in order to complete at least a portion of the subsequent image capture.

Regarding claim 3, neither Anderson nor Kodama teach the control means shortens the photography times for the chapters to be photographed after the given chapter by a prolonged part of the photography time of the given chapter in proportion to the photography times set by the setting means. However, it is implicit in the case discussed in the 103 rejection of claim 2, that the control means shortens the photography time for the second image capture by a prolonged part of the photography time of the first image capture in one-to-one proportion to the prolonged part of the photography times set by the setting means because the length by which a first image capture is prolonged will reduce the recording capacity for a second image capture by the same amount.

Regarding claim 10, Anderson teaches a still capture mode, a burst capture mode in which a series of still images are captured in rapid succession, and a time-lapse mode where images are captured at regular intervals over a period of time period (col. 1, lines 37-42). Clearly a user would wish to set in the script the duration of photographing for a time-lapse capture in

order to provide a film of the desired length. However, Anderson does not teach the photography time of a given chapter is prolonged, the photographing times preset for the chapters to be photographed after the given chapter are corrected to control the photographing operation.

However, Kodama teaches calculating the remaining capacity for still and moving images of a recording medium (col. 7, lines 14-20). One of ordinary skill in the art would have calculated the remaining capacity for a recording medium in order to display to the user the number of still pictures taken, the time taken to shoot the moving picture, the number of remaining frames for still pictures, and the remaining moving-picture recordable time (col. 7, lines 14-20). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have calculated the remaining capacity for a recording medium in order to display to the user the number of still pictures taken, the time taken to shoot the moving picture, the number of remaining frames for still pictures, and the remaining moving-picture recordable time.

Clearly, an image capture script may specify a first and second time-lapse image capture utilizing the full capacity of the recording medium. Furthermore, it is clear that if the photographing time of the first time-lapse image capture is prolonged, the remaining capacity of the recording medium, as determined by Kodama, may be insufficient for the second time-lapse image capture specified by the script. Consequently, it is implicit that the photographing time of the second time-lapse image capture is corrected to a shorter period of time in order to complete at least a portion of the second time-lapse image capture. One of ordinary skill in the art would have known that when the photography time of a given chapter is prolonged, and the calculated

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capacity remaining in the recording medium is insufficient for a subsequent photographing time specified in an image capture script, the photographing time is corrected and shortened for the chapters to be photographed after the given chapter, thereby controlling the photography operation in order to complete at least a portion of the subsequent image capture. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention that when the photography time of a given chapter is prolonged, and the calculated capacity remaining in the recording medium is insufficient for a subsequent photographing time specified in an image capture script, the photographing time is corrected and shortened for the chapters to be photographed after the given chapter, thereby controlling the photography operation in order to complete at least a portion of the subsequent image capture.

Regarding claim 11, neither Anderson nor Kodama teach the photography times for the chapters to be photographed after the given chapter are shortened by a prolonged part of the photography time of the given chapter in proportion to the preset photography times. However, it is implicit in the case discussed in the 103 rejection of claim 2, that the photography time for the second image capture is shortened by a prolonged part of the photography time of the first image capture in one-to-one proportion to the prolonged part of the preset photography time because the length by which a first image capture is prolonged will reduce the recording capacity for a second image capture by the same amount.

Regarding claim 14, Anderson teaches a still capture mode, a burst capture mode in which a series of still images are captured in rapid succession, and a time-lapse mode where images are captured at regular intervals over a period of time period (col. 1, lines 37-42). Clearly a user would wish to set in the script the duration of photographing for a time-lapse capture in

order to provide a film of the desired length. However, Anderson does not teach if the photography time of a given chapter is prolonged, the photography times preset for the chapters to be photographed after the given chapter are corrected to control the photography operation.

However, Kodama teaches calculating the remaining capacity for still and moving images of a recording medium (col. 7, lines 14-20). One of ordinary skill in the art would have calculated the remaining capacity for a recording medium in order to display to the user the number of still pictures taken, the time taken to shoot the moving picture, the number of remaining frames for still pictures, and the remaining moving-picture recordable time (col. 7, lines 14-20). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have calculated the remaining capacity for a recording medium in order to display to the user the number of still pictures taken, the time taken to shoot the moving picture, the number of remaining frames for still pictures, and the remaining moving-picture recordable time.

Clearly, an image capture script may specify a first and second time-lapse image capture utilizing the full capacity of the recording medium. Furthermore, it is clear that if the photographing time of the first time-lapse image capture is prolonged, the remaining capacity of the recording medium, as determined by Kodama, may be insufficient for the second time-lapse image capture specified by the script. Consequently, it is implicit that the photographing time of the second time-lapse image capture is corrected to a shorter period of time in order to complete at least a portion of the second time-lapse image capture. One of ordinary skill in the art would have known that when the photography time of a given chapter is prolonged, and the calculated capacity remaining in the recording medium is insufficient for a subsequent photographing time

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specified in an image capture script, the photographing time is corrected and shortened for the chapters to be photographed after the given chapter, thereby controlling the photography operation in order to complete at least a portion of the subsequent image capture. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention that when the photography time of a given chapter is prolonged, and the calculated capacity remaining in the recording medium is insufficient for a subsequent photographing time specified in an image capture script, the photographing time is corrected and shortened for the chapters to be photographed after the given chapter, thereby controlling the photography operation in order to complete at least a portion of the subsequent image capture.

Regarding claim 15, neither Anderson nor Kodama teach the photography times for the chapters to be photographed after the given chapter are shortened by a prolonged part of the photography time of the given chapter in proportion to the preset photography times. However, it is implicit in the case discussed in the 103 rejection of claim 2, that the photography time for the second image capture is shortened by a prolonged part of the photography time of the first image capture in one-to-one proportion to the prolonged part of the preset photography time because the length by which a first image capture is prolonged will reduce the recording capacity for a second image capture by the same amount.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat. No. 6,222,538) in view of Okada et al. (U.S. Pat. No. 5,664,243).

Regarding claim 6, Anderson teaches the setting means comprises a script capable of setting the camera settings and parameters including white balance, exposure, and focus modes

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(col. 12, lines 1-8). However, Anderson does not teach setting a scenic mode, sports mode, and portrait mode.

However, Okada et al. does teach setting a scenic mode, sports mode, and portrait mode (col. 10, line 54-col. 11, line 4). One of ordinary skill in the art would have provided a scenic mode, sports mode, and portrait mode in order to capture images with a large depth of field, moving objects, and shallow depth of field, respectively (col. 10, line 54-col. 11, line 4). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a scenic mode, sports mode, and portrait mode in order to capture images with a large depth of field, moving objects, and shallow depth of field, respectively.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat. No. 6,222,538) in view of Inuiya (U.S. Pat. No. 5,982,984).

Regarding claim 7, Anderson teaches a still capture mode, a burst capture mode in which a series of still images are captured in rapid succession, and a time-lapse mode where images are captured at regular intervals over a period of time period (col. 1, lines 37-42). Anderson does not teach a setting means sets one of an interlaced photography mode and a non-interlaced photography mode.

However, Inuiya does teach a setting means sets one of an interlaced photography mode and a non-interlaced photography mode (col. 1, lines 32-49). One of ordinary skill in the art would have provided a setting means for reading out a CCD imaging sensor in an interlaced photography mode in order to produce a readout suitable for moving pictures and in a non-interlaced photography mode in order to produce a high-quality readout of still pictures (col. 1,

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lines 32-49). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a setting means for reading out a CCD imaging sensor in an interlaced photography mode in order to produce a readout suitable for moving pictures and in a non-interlaced photography mode in order to produce a high-quality readout of still pictures.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Pat. No. 6,222,538) in view of Katsuki (U.S. Pat. No. 6,798,447).

Regarding claim 8, Anderson teaches the setting means comprises a script with commands for camera settings, controls, and parameters specific to the subject or scene being capture (col. 12, lines 1-8). Anderson does not teach the setting means sets a special effect between the chapters.

However, Katsuki teaches a script to perform predetermined scene switching based on an order of scenes described in the script and performing fades, wipes, and mix special effects upon switching scenes during recording (col. 4, line 65-col. 5, lines 7). One of ordinary skill in the art would have performed fades, wipes, and mix special effects upon switching scenes during recording of a predetermined order of scenes for the purpose of providing a visual transition between subsequent scenes. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have performed fades, wipes, and mix special effects upon switching scenes during recording of a predetermined order of scenes for the purpose of providing a visual transition between subsequent scenes.

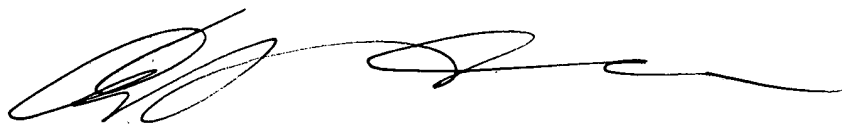
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (703) 305-4724. The examiner can normally be reached on M-F 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
12/8/2004

A handwritten signature in black ink, appearing to read 'Andrew Christensen', with a long horizontal flourish extending to the right.

ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600